Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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REPORT ON THE REVIEW OF FOREST MANAGEMENT PLANS (2013-2014)

GROUPE CONSEIL NUTSHIMIT

April 2013

PRODUCTION TEAM

Groupe Conseil Nutshimit

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READING COMMITTEE

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LIST OF ACRONYMS

AFMP	Annual forest management plan
ANRQC	Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec
CQFB	Cree-Québec Forestry Board
CRA	Cree Regional Authority
FMU	Forest management unit
FSC	Forestry Stewardship Council
FSPL	Fir, spruce, jack pine, larch
GFMP	General forest management plan
HTSG	Holder of a timber supply guarantee
JBACE	James Bay Advisory Committee on the Environment
JBNQA	James Bay and Northern Québec Agreement
JWG	Joint working group
MPFC	Management practices of forest companies
MRN	Ministère des Ressources naturelles
MRNF	Ministère des Ressources naturelles et de la Faune
OPIFD	Operational plan for integrated forest development
SFDA	Sustainable Forest Development Act
TPIFD	Tactical plan for integrated forest development
TSFMA	Timber supply and forest management agreement
TSG	Timber supply guarantee

LIST OF RECOMMENDATIONS

Recommendation 1: Make sure the forest management planning on which the Crees are consulted is complete and detailed.

Recommendation 2: Improve and standardize the content of the maps used for consultation purposes so as to ensure that they contain all information that is important to Cree tallymen.

Recommendation 3 (to the MRN and CRA): Make sure the new forest plan support maps are available and used to develop the 2014-2018 forest management plans.

Recommendation 4: Invite holders of timber supply guarantees to Cree participation meetings during the 2014-2018 forest planning process when the issues directly concern them.

Recommendation 5: Plan control and monitoring mechanisms to ensure that TSG holders fully meet their commitments with regard to harmonizing resource use with the Crees.

Recommendation 6: Improve the minutes of consultation meetings, and have them validated by the Cree party, to ensure that they better reflect the opinions and concerns expressed by the Cree party and are duly adopted by both parties.

Recommendation 7 (to the MRN and CRA): Foster JWG participation in the planning and consultation processes for the development of the forest management plans for 2014-2018.

Recommendation 8: Make sure that consultation reports describe, in detail, the complete Cree participation process and that they are validated by the Cree party.

Recommendation 9: Identify the causal factors of the high turnover rate among JWG members and propose resource retention strategies.

Recommendation 10 (to the Cree First Nation of Waswanipi): Provide for the hiring of another Cree member for the JWG in Waswanipi.

Recommendation 11 (to the MRN, the CRA, the Cree School Board and forest companies): Develop strategies to create more socioeconomic benefits for the Crees in the form of contracts, jobs and labour training initiatives. As a signatory of the ANRQC, the Québec government must work with the Cree party to develop, implement and monitor the outcome of these strategies.

1. BACKGROUND

The James Bay Crees make up an Aboriginal society whose culture and economy are centred around hunting, fishing and trapping. Maintenance of these activities is guaranteed by constitutional rights under the James Bay and Northern Québec Agreement (JBNQA, 1975) and the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (ANRQC, 2002). Since these activities are impacted by forestry operations, the goal of the JBNQA and ANRQC is to give greater consideration to the Cree traditional way of life in forest management planning and practices in the James Bay Territory. Note that the adapted forestry regime established by the ANRQC was enshrined in the JBNQA through Section 30A.

The mandate of the James Bay Advisory Committee on the Environment (JBACE) is to oversee the administration of the environmental and social protection regime established by Section 22 of the JBNQA. As part of that mandate, the JBACE studies and comments on, among other things, forest management plans affecting the James Bay Territory prior to their approval by the Ministère des Ressources naturelles (MRN). The JBACE has 90 days to submit its comments.

In March 2013, the JBACE completed its review of 14 forest management plans for the JBNQA Territory prepared by the MRN for the transitional period 2013-2014. The present report contains the JBACE's opinion on this interim planning, its concerns, and its recommendations for improving forest management planning for the period 2014-2018, which is when Québec's new forest regime will enter into force in the James Bay Territory.

The JBACE hired the firm Groupe Conseil Nutshimit to assist it in its review of the plans as well as consult the principal stakeholders concerned with forest management planning for 2013-2014, i.e. the members of joint working groups (JWGs), MRN's forest planners and holders of a timber supply guarantee (TSG).

Québec's new forest regime

Effective April 1, 2013, the *Forest Act* (R.S.Q., c. F-4.1) will be replaced by the *Sustainable Forest Development Act* (R.S.Q., c. A-18.) (SFDA). The reform of Québec's forest regime brings in major changes, especially with respect to forest management and planning in forest management units (FMUs). Among other things, responsibility for preparing forest management plans now falls to the MRN, rather than to forest companies as in the past (see Appendix A).

Transitional period in the JBNQA Territory (2013-2014)

Application of the new forest regime in the James Bay Territory depends on an agreement between the Québec government and the Crees to amend the ANRQC and, if necessary, the SFDA. Since no such agreement has been entered into as yet, the two parties have agreed to implement a transitional period (2013-2014) and to push back the entry into force of the new adapted forestry regime in the ANRQC Territory to April 1, 2014.

The main stages of the interim consultation process adopted by the MRN and the Cree Regional Authority (CRA) for the period 2013-2014 are presented in Appendix B. In accordance with the set rules, the JWGs invited Cree tallymen to sessions that were part "participation" and part "consultation" meetings. Moreover, the interim process resulted in the classification of requests from Cree tallymen into three categories: harmonization, accommodation and compensatory requests. The classification system is explained in greater detail in Appendix C.

Scale of the review of forest management plans for 2013-2014

The current review process applies to 14 of the 15 forest management plans affecting the Crees[1]. The 14 plans affect five of the nine Cree communities recognized under the JBNQA and cover the period 2013-2014. The plans apply as of April 1, 2013 (see Table 1.1).

Table 1.1 Areas covered by the JBACE's 2013 review

Cree community	FMU
Mistissini	026-61 and 026-62
Oujé-Bougoumou	026-63 and 026-64
Waskaganish	085-62 and 086-63
Nemaska	086-63
Waswanipi	026-65, 026-66, 086-64, 086-65, 086-66, 087-62, 087-63 and 087-64

The JBACE takes into consideration the mandates of the Cree-Québec Forestry Board (CQFB) and the JWGs under the ANRQC. Insofar as possible, the JBACE works to complement the provisions of the adapted forestry regime under the ANRQC. In 2007, the JBACE developed a set of criteria and indicators of sustainable forest management to address the Crees' concerns in matters of environmental and social protection (JBACE, 2007). Using these criteria and indicators, the JBACE was able to identify eight issues on which to base its review of forest management plans for the James Bay Territory, in keeping with its mandate, and ascertain whether they are compatible with the

[1] The plan for FMU 084-62 was not submitted to the JBACE because the MRN deems that this land area is not subject to Section 22 of the JBNQA.

environmental and social protection regime of Section 22 of the JBNQA. To avoid as much duplication as possible with the work carried out by the CQFB, the JBACE's review of the 14 plans in question focuses more specifically on the following two issues:

***Issue 3*: Ensure meaningful participation by the Cree people**

The JBNQA environmental and social protection regime provides for the establishment of consultation mechanisms to ensure a special involvement for the Cree people over and above that provided for in procedures involving the general public. The JBACE wants to ensure that the established mechanisms ensure meaningful participation by the Crees.

***Issue 7*: Increase the diversity of forest-based economic and social benefits to Cree communities**

The Crees consent to the carrying out of commercial forestry operations on their ancestral lands, but would like to derive whatever benefits they can from those operations in terms of jobs, contracts, training and enhancement of the practice of Cree traditional activities. The JBACE would like to know the efforts made by holders of timber supply guarantees and the MRN to address this issue.

2. RESULTS AND RECOMMENDATIONS

This section presents the main findings and recommendations flowing from the JBACE's review of the 2013-2014 forest management plans for the James Bay Territory[2]. Note that some of the observations reported in 2009 during the review of the amended GFMPs for 2008-2013 were re-examined.

2.1 Cree consultation and participation process

General findings:

- A minimum of two consultation meetings were conducted with the vast majority of Cree trappers during the 2013-2014 interim process. During the interviews, the Cree members of the JWGs said they were satisfied with this approach taken by the MRN, underlining that it ensures better participation by the Crees in the forest planning process.

- During the review of the amended 2008-2013 GFMPs, the JBACE told the MRN that, in some communities, not enough time was allotted for the meetings with Cree tallymen to discuss Cree participation. At the time, the JBACE recommended to make the meetings longer to ensure better participation by the Crees. The Cree representatives of JWGs said that the amount of time now allotted for these meetings is satisfactory.

- In 2009, the JBACE recommended that the MRN plan the Cree participation meetings better to make sure they are held during periods that suit the Crees. According to the Cree members of the JWGs, the MRN was able to plan the consultation schedule for the 2013-2014 exercise around the availability of Cree tallymen.

- During the preparation of the amended GFMPs for 2008-2013, following the participation meetings, some forest companies provided the tallymen with working maps showing the planned silvicultural treatments as well as the changes made to forest planning in response to harmonization requests. The JBACE recommended that this practice be extended to all plans affecting the James Bay Territory. The interviews revealed widespread use of these documents by MRN planners during the 2013-2014 interim process.

[2] For the methodology used, see Appendix D.

Finding 1: The consultation processes for the 2012-2013 and 2013-2014 annual plans unfolded simultaneously, creating some confusion for Cree tallymen during the consultation meetings. The confusion stemmed, in particular, from the fact that the forest management plans presented at the outset of the consultation process contained incomplete planning of forest management activities in 2013-2014. In fact, in February 2012, the MRN informed the Crees about the roads planned for 2013-2014, but not the associated cutblocks, and said the roads might even be built during the 2012-2013 operating period. Based on that information, a number of tallymen from Waswanipi rejected the draft plan, preferring to wait until a more final version of the 2013-2014 plans were submitted before taking a stand. The official consultations on these plans took place in July 2012. In the JBACE's opinion, to avoid any confusion, the MRN should not initiate consultations with the Crees until the planning of forestry operations has been officially completed.

Moreover, some cutblocks appeared in both the 2012-2013 and 2013-2014 plans. The MRN explained that it was in case the forest companies did not have enough time to finish harvesting the blocks by March 31, 2013. The Cree members of the JWGs would have preferred that these areas be removed from the 2013-2014 plans and instead be included in the most recently amended 2012-2013 AFMP, i.e. in January 2013.

> **Recommendation 1:** Make sure the forest management planning on which the Crees are consulted is complete and detailed.

Finding 2: According to the Cree members of the JWG in Waswanipi, the format and content of the regional maps used by the MRN in consultations are not uniform. And on some of the maps, important information for tallymen is either missing or not correctly identified. The main information that is important to know includes topography, the river system, wetlands, existing and proposed protected areas, past logging operations, the existing road network, and road classification (existing or planned; classes I, II, III; gravel road or winter road). Road development on traplines is a major issue for the Crees, which is why it is important to clearly identify these infrastructures on maps used for consultation purposes.

Furthermore, the Cree representatives on the JWGs in Waskaganish and Nemaska would also like the maps to show the proportion of regenerating forests, mature forests and planned logging on each trapline. The Cree members of the JWG in Waswanipi proposed that they and the JWG's Québec members work together to develop a model consultation map that could be used for each FMU in the JBNQA Territory. The JBACE is in favour of this approach.

Recommendation 2: Improve and standardize the content of the maps used for consultation purposes so as to ensure that they contain all information that is important to Cree tallymen.

Finding 3: Forest plan support maps provide an overview of Cree activities on their traplines and are particularly useful for forest planners when it comes time to determine harmonization measures. However, MRN forest planners did not always use these maps during the preparation of the 2013-2014 plans. In fact, the MRN did not have access to the maps because it never signed the related confidentiality agreements.

The CRA and MRN are currently working to update the maps and negotiating the best way to make them available to MRN planners (e.g. a secure geoportal). In the JBACE's opinion, the updated forest plan support maps must be used at every stage of the development of forest management plans for the period 2014-2018.

Recommendation 3 (to the MRN and CRA): Make sure the new forest plan support maps are available and used to develop the 2014-2018 forest management plans.

Finding 4: Cree members of the JWGs spoke of communication problems between the MRN and forest companies during the 2013-2014 forest planning process. According to the Cree members, the problems mainly stem from the fact that the forest companies are not represented at the consultation table. Moreover, the fact that holders of TSGs are not at the table causes additional delays in the consultation process because, following the meetings, the MRN has to contact them to validate the operational feasibility of certain harmonization requests. The Cree representatives of the JWGs believe that communication problems and delays in the consultation process could very well continue if holders of TSGs are excluded from the consultation table.

Recommendation 4: Invite holders of timber supply guarantees to Cree participation meetings during the 2014-2018 forest planning process when the issues directly concern them.

Finding 5: Harmonization measures agreed upon with Cree trappers during past forest planning have not always been implemented or properly applied by forest companies. According to the Cree representatives on the JWG in Waswanipi, the MRN currently does not have control or incentive mechanisms for ensuring these measures are fully respected. One suggestion made consisted in including a special clause to this effect in the future timber harvesting agreements entered into with TSG holders.

Recommendation 5: Plan control and monitoring mechanisms to ensure that TSG holders fully meet their commitments with regard to harmonizing resource use with the Crees.

Finding 6: The minutes of consultation meetings are prepared by the JWG members appointed by Québec. Like in 2009, Cree representatives of JWGs said they were still dissatisfied with the minutes because some of the Crees' concerns or requests are not mentioned. The JBACE reiterated that it is important that both parties approve the content of the minutes.

> **Recommendation 6**: Improve the minutes of consultation meetings, and have them validated by the Cree party, to ensure that they better reflect the opinions and concerns expressed by the Cree party and are duly adopted by both parties.

Finding 7: According to the Cree members of the JWG in Waswanipi, the 2013-2014 interim planning and consultation process was decided at the regional level by the MRN and CRA without consulting the JWGs beforehand. They stressed that better communication between the regional and local authorities would have prevented certain problems throughout the 2013-2014 interim process.

> **Recommendation 7 (to the MRN and CRA)**: Foster JWG participation in the planning and consultation processes for the development of the forest management plans for 2014-2018.

Finding 8: The consultation reports produced by the Québec-appointed JWG members document the harmonization measures agreed upon with Cree tallymen. In the JBACE's opinion, some of these reports, in the form of summary tables, are relatively vague and should contain more details on the tallymen's harmonization requests and other concerns, decisions made and the planned follow-up action.

In light of its experience with participation processes in other areas of development, the JBACE would be willing to help develop a model report containing a full, detailed description of the participation process.

> **Recommendation 8**: Make sure that consultation reports describe, in detail, the complete Cree participation process and that they are validated by the Cree party.

Finding 9: Some JWGs have a high turnover rate. For example, the Québec members of the JWG in Waswanipi have been replaced eight times since 2002. The JWG's Cree members said they were dissatisfied with this turnover rate because it affects the overall effectiveness of the Cree participation process (e.g. loss of know-how and knowledge, loss of productivity, delays in the consultation procedure and the production of deliverables, problems in follow-up, etc.).

Recommendation 9: Identify the causal factors of the high turnover rate among JWG members and propose resource retention strategies.

Finding 10: Sixty-five (65) traplines in the territory of Waswanipi are directly affected by forestry operations. The Cree tallymen consultation process for that territory is therefore particularly demanding. However, there is only one Cree representative on the JWG in Waswanipi to fulfil its mandate. The member's lack of availability due to work overload has caused some delays in the 2013-2014 consultation process. The JBACE thinks that the JWGs need to have enough members to fulfil their mandate.

Recommendation 10 (to the Cree First Nation of Waswanipi): Provide for the hiring of another Cree member for the JWG in Waswanipi.

2.2 Socioeconomic benefits for the Crees from forestry operations

Finding 11: The major TSFMA (future TSG) holders in the James Bay Territory were consulted to find out what efforts they are making to make sure their forestry operations produce socioeconomic benefits in the Cree communities. An overview of the consultation results is provided in Appendix G.

The results of the consultation are much the same as those of the review of amended 2008-2013 GFMPs, i.e. there is minimal hiring of Cree workers, very few contracts are awarded to Cree companies, and there are few labour training initiatives in the JBNQA Territory. Moreover, during the interviews, Cree representatives expressed their dissatisfaction in this regard, saying that these problems have continued since the signing of the ANRQC in 2002. They mentioned, among other things, that the minor economic benefits derived by the Crees is a major violation of section 3.60 of the ANRQC, that the MRN does not do enough to correct the situation and that the different certifications required by the industry and the MRN (e.g. ISO 14 001, MPFC) very often reduce Cree companies' chances of getting contracts.

New targets for socioeconomic benefits for the Crees are currently being negotiated between Québec and the Cree party. The proposed measures include reserving a percentage of the annual budget for non-commercial silvicultural treatments for the Crees. However, the MRN has said that the percentage of the budget to be reserved for Crees and the ways and means of awarding contracts still have to be determined.

The JBACE would like to reiterate that the exploitation of forest resources in the James Bay Territory must result in tangible socioeconomic benefits for the Crees. For example, establishing a forestry program at the Vocational Training Centre in Waswanipi would build a trained Cree labour pool. The JBACE encourages the MRN and the principal forest companies operating in the Territory to raise their visibility in the Cree communities by promoting job opportunities, in particular, during career fairs at secondary schools.

Recommendation 11 (to the MRN, the CRA, the Cree School Board and forest companies): Develop strategies to create more socioeconomic benefits for the Crees in the form of contracts, jobs and labour training initiatives. As a signatory of the ANRQC, the Québec government must work with the Cree party to develop, implement and monitor the outcome of these strategies.

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Appendix A

Québec's New Forest Regime

Québec's New Forest Regime

Timber supply guarantee

Under the SFDA, timber supply guarantees replace the timber supply and forest management agreements (TSFMAs) provided for under the old legislation. Until March 31, 2013, a TSFMA entitles wood processing plants to obtain their wood supplies from timber harvested in public forests in accordance with the *Forest Act*. A TSFMA entitles its holder to harvest an annual volume of timber to supply its wood processing plant. The TSFMA holder is required to carry out non-commercial silvicultural treatments to maintain the productivity of forests in the domain of the State. A timber supply guarantee (TSG) will entitle the holder to purchase an annual volume of timber to supply its wood processing plant, without having to carry out non-commercial silvicultural treatments. Henceforth, responsibility for carrying out these treatments, which include scarification, planting, precommercial thinning, clearance and thinning, will fall to the MRN. Holders of TSGs will continue to be responsible for commercial activities (timber harvesting, road construction, etc.) (Gouvernement du Québec, 2003-2013a).

Forest management plans

General forest management plans (GFMPs) and annual forest management plans (AFMPs) will be replaced by tactical plans for integrated forest development (TPIFDs) and operational plans for integrated forest development (OPIFDs). Whereas forest management plans were previously drawn up by forest companies, the new forest development plans will be drawn up by the MRN. TPIFDs cover a period of five years (2013-2018) and contain, among other things, the sustainable forest development objectives and the forest development strategies adopted to ensure that allowable cuts are respected and objectives are achieved. OPIFDs basically set out the forest operations zones in which timber harvesting and other forest development activities (e.g. road work) are planned under the TPIFD. The OPIFD is dynamic and updated periodically to include new operations zones (Gouvernement du Québec, 2003-2013b).

Appendix B

Interim Consultation Process for 2013-2014

Interim Consultation Process for 2013-2014 – For the Territory Covered by the Paix des Braves

	Preparation of 2013-14 annual forest management plans (AFMPs)
1.	The MRN prepares an AFMP for 2013-2014 for each forest management unit located in the territory covered by the Agreement. In doing so, it must maintain enough flexibility to limit the number of amendments to the plan during the year (target 150% of the allocation).
2.	The MRN ensures that the AFMP complies with the conditions of the Agreement by referring to the criteria set out in Chapter 3.
3.	The MRN consults the Cree tallymen on operational roads to be built for 2013-2014 during the consultations on the 2012-2013 AFMPs.
4.	JWG coordinators ensure that the JWG members are briefed on the interim process.
5.	The MRN sends TSFMA holders a copy of the AFMP in June 2012 to facilitate the exercising of options and accelerate the identification of the mandatary for each management area. If the consultations on the AFMP are not finished, a note is enclosed with the AFMP informing forest companies that the plan is subject to change.
6.	The MRN consults the Cree tallymen to prevent usage conflicts and establish harmonization measures. The purpose of this exercise is to ensure that the Cree people are able to express their concerns regarding land use. The joint working groups ensure that the necessary information is available, including the forest plan support maps. The JWGs establish the consultation schedule.
7.	During the consultations, the joint working groups provide the support required to resolve usage conflicts between forest management activities and the activities of tallymen. Where necessary, the joint working groups may act as mediators between the parties. They must also document and analyze any disputes and identify solutions that are acceptable to the parties.
8.	The joint working group coordinators are also required to help resolve usage conflicts where the working groups are unable to agree on a common position. The parties can use the grid *Decision making and treatment of conflicts during the elaboration of the GFMPs 2008-2013*.
9.	If a conflict persists, the groups concerned must submit a report on the situation to the Cree-Québec Forestry Board. The Board will propose a solution to the parties. If the proposed solution is not accepted by the parties, the latter must submit the conflict to the sectoral table on forestry.
10.	The joint working groups jointly prepare and sign the minutes of each consultation meeting.
11.	The MRN consults the other stakeholders on the AFMP. These consultations may be held at the same time as the consultations with the Crees. The MRN ensures that no confidential information from the tallymen is transmitted to the other stakeholders.
12.	If the other stakeholders request an amendment, the MRN informs the JWG concerned.
13.	The JWG considers the request and, if it deems it appropriate, consults the tallyman concerned anew.

Approval of the 2013-2014 AFMP	
14.	Following the changes made as a result of the consultations with tallymen and other stakeholders, the MRN ensures that the AFMP complies with the conditions set out in the Agreement and with planning standards.
15.	The AFMP is sent to the joint working groups in the communities and to the others stakeholders.
16.	Within thirty (30) days after receiving the AFMP, the joint working groups submit recommendations to the Minister and to the Cree-Québec Forestry Board concerning the compliance of the AFMP and request any corrections that may be needed.
17.	The joint working groups or some of their members may bring disputes, problems and concerns regarding the AFMP to the attention of the Cree-Québec Forestry Board, and the Board will address them in keeping with its mandate.
18.	The AFMP is submitted to public consultation for a period of twenty-five (25) days, for consultation by the Aboriginal communities (except Cree) for a period of thirty (30) days and for consultation by the JBACE for a period of ninety (90) days. The MRN ensures that no confidential information from tallymen is transmitted during these consultations. In the event that land areas covered by the 2012-2013 AFMP are included in the 2013-2014 AFMP, no consultations are planned. The MRN is prepared to inform stakeholders of the changes made to the plan.
19.	The MRN prepares a document for the Cree-Québec Forestry Board containing a copy of the AFMP, a duly completed analysis grid concerning compliance with the conditions set out in Chapter 3, a copy of the joint working groups' report and proof that the allocated timber volumes have been respected.
20.	The Cree-Québec Forestry Board may make proposals and comments and express its concerns regarding the AFMP to the Minister, in particular with respect to systemic questions about the AFMP.
21.	After making any changes that may be required, the Minister gives final approval to the AFMP and notifies the Cree party on the joint working group and the Cree-Québec Forestry Board thereof, in writing, and sends a copy of the changes to the joint working group.
22.	The MRN sends the CRA a copy of the AFMP and a document to be determined that will be the equivalent of a forestry permit.
23.	In order to integrate the non-commercial treatments and sectors under the 2012-2013 AFMP into the 2013-2014 AFMP, the Cree tallymen are consulted between January and February 2013. The JWGs prepare an appendix to their 30-day report no later than 30 days after the last consultation.
Amendments to the 2013-2014 AFMP	
24.	Amendments to the AFMP are subject to the same process as described above. If the amendments concern non-commercial treatments only, the JWGs do not submit a 30-day report, but the consultation process remains the same.

Monitoring of the AFMP 2013-14	
25.	The sectoral table on forestry will discuss the matter and the required monitoring activities relating to the 2013-2014 AFMP will be carried out in accordance with table's decisions.
26.	If a natural disaster should occur during 2013-2014, timber shall be salvaged in accordance with the May 2007 agreement on operating rules and conditions for salvage logging in the territory covered by the ANRQC. Timber-salvaging plans will be submitted to the tallymen and the AFMP will be amended accordingly.

This process is without prejudice and must not influence discussions on the final planning process.

Appendix C

Classification of Harmonization Requests from Tallymen

Classification of Requests from Tallymen
Interim Process - 2013-2014

Context

To prepare for the different types of requests that will be received by MRN forestry planners during the 2013-2014 interim process, the parties classified the requests received from Cree Tallymen over the last four years into three categories.

1. The first category of requests concerns operational forest management harmonizations. Typically, these requests involve:

    - the relocation of planned forestry roads;
    - the location of residual forests;
    - the location and size of harvesting blocks;
    - the extension of watercourse buffers;
    - the location and application of specific silvicultural work such as pre-commercial thinning and scarification;
    - calendar of the activities fine tuning.

2. The second category of requests can be characterized as accommodations that can be incorporated directly into the 2013-2014 annual forest management plan.* In the past four years, these accommodations have consisted of:

    - road construction or improvement to provide access to an Aboriginal camp;
    - road closure (temporary or permanent);
    - construction of a boat ramp;
    - logging or thinning to improve visibility at a goose hunting site;
    - creation of a parking lot for a camp;
    - clearing of snow on roads;
    - creation of an ATV trail.

    *In order for these accommodation requests to be considered by MRN forestry planners, they must be located WITHIN the forest operations zones listed in the 2013-2014 annual forest management plan.

    Requests for accommodations OUTSIDE forest operations zones listed in the 2013-2014 annual forest management plan will not be considered by the MRN. All denied «outside» requests automatically fall into Category 3 requests.

    For the purposes of the interim process, the expression «OUTSIDE forest operations zones» means requests for which a single drop deck semi-trailer would be required to move the machinery.

3. The third category of requests made in the past four years consists of requests that are compensatory in nature and cannot be granted by the MRN under the annual forest management plan. These requests consist of:

- delivery of firewood;
- requests for construction materials (boards and planks);
- employment request;
- requests for equipment.

For the purposes of the interim process, nothing precludes Tallymen from appealing directly to forest companies operating on their trapline for requests that are OUTSIDE forest operations zones listed in the annual forest management plan or for compensatory requests (Category 3) on a «good neighbour» basis (3.65 of the Paix des Braves agreement).

In the event that the Trappers Forestry Enhancement Program or a similar program is implemented, there could be synergies between Category 2 and 3 requests that access funds from these programs.

Appendix D

Methodology

Methodology

The first step consisted in reading the documents related to the 2013-2014 forest management plans submitted to the JBACE by the MRN and conducting a preliminary evaluation of their contents. This exercise served to identify, in the analysis grid and questionnaire provided in appendices E and F, respectively, the additional information that needed to be obtained from JWG members, MRN forest planners and holders of TSGs during the consultations.

It was agreed to interview JWG members and MRN forest planners either in person or through conference calls. The main themes touched on during the interviews included:

- the consultation meetings (number of sessions, procedure, content of discussions, visual aids used, proceedings (minutes) and participation reports, etc.);
- the consideration given to tallymen's values, interests and concerns in forest management planning, the harmonization measures agreed upon;
- the Crees' general satisfaction with the consultation mechanisms;
- the desired improvements to the consultation process;
- the strategies developed by the MRN and holders of TSGs to foster socioeconomic benefits for the Crees from forestry operations.

The interviews were conducted from February 21 to 28, 2013. Table D.1 presents the schedule of meetings and telephone interviews. All of the respondents were interviewed in person at their respective offices, with the exception of the Cree members of the JWGs in Nemaska and Waskaganish, who were interviewed by phone. The interviews were semi-directed and lasted between 45 minutes and 2 hours.

Table D.1 Schedule of interviews conducted with MRN forest planners and JWGs

Respondent	Territory	Date	Place of meeting	Person interviewed (in person or by phone)
MRN (forest planners)	026-61 to 026-66	Feb. 21, 2013	Chibougamau	Sébastien Leduc
	086-63 & 086-64	Feb. 27, 2013	Amos	Martin Thibeault
	086-65 & 086-66	Feb. 27, 2013	Amos	Jean-François Tremblay
	087-62 & 087-63	Feb. 26, 2013	Lebel-sur-Quévillon	Rostand Azegue
	087-64	Feb. 26, 2013	Lebel-sur-Quévillon	Patrick Descôtes
JWG (MRN members)	Mistissini	Feb. 21, 2013	Chibougamau	Carolann Tremblay
	Nemaska	Feb. 26, 2013	Lebel-sur-Quévillon	Sébastien C. Pichette
	Oujé-Bougoumou	Feb. 21, 2013	Chibougamau	Carolann Tremblay
	Waskaganish	Feb. 26, 2013	Lebel-sur-Quévillon	Sébastien C. Pichette
	Waswanipi	Feb. 26, 2013	Lebel-sur-Quévillon	Sébastien C. Pichette
JWG (Cree members)	Mistissini	Feb. 21, 2013	Mistissini	Matthew Longchap
	Nemaska	Feb. 28, 2013	Conference call	Matthew Tanoush
	Oujé-Bougoumou	Feb. 21, 2013	Oujé-Bougoumou	Tommy Rabbitskin Arthur Bosum
	Waskaganish	Feb. 28, 2013	Conference call	Wayne Cheezo
	Waswanipi	Feb. 26, 2013	Waswanipi	Allan Saganash Jr. Steven Blacksmith

Holders of TSGs were consulted by means of a questionnaire sent to them electronically. The questionnaire, which can be found in Appendix F, dealt solely with Issue 7 (socioeconomic benefits), given that forest companies are no longer involved in the preparation of forest management plans and therefore no longer participate in the consultation of Crees. The clarifications asked of these stakeholders primarily concerned:

- the strategies deployed to foster socioeconomic benefits for the Crees from forestry operations;
- the 2008-2012 report and the projections regarding economic partnership agreements, contracts, jobs and forestry training initiatives for the Crees;
- diversification of employment opportunities for the Crees;
- implementation application of harmonization measures to help enhance the practice of Cree traditional activities.

Appendix E

Interview Grid

Interview Grid – MRN and JWGs
Forest planning 2013-2014

Issue 3:

Ensure meaningful participation by the Cree people
The environmental and social protection regime under the James Bay and Northern Québec Agreement (JBNQA, Section 22) provides for the establishment of consultation mechanisms to ensure a special involvement for the Cree people over and above that provided for in procedures involving the general public. The JBACE wants to ensure that the established mechanisms ensure meaningful participation by the Cree people.

1- Has the MRN followed the Cree participation procedure set out in the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec?
   - Has the MRN held the required number of meetings? Has it conducted any follow-up and produced any reports of these meetings?
   - Has the MRN implemented a suitable strategy to obtain the Crees' consent on the content of forest management plans?

2- According to Cree trappers and members of the Joint Working Group (JWG), are participation meetings long enough?

3- Does the time period chosen for participation meetings suit all stakeholders involved in the participation process?

4- Are maps and papers presented at participation meetings prepared in such a way as to limit their content only to information that is relevant to Cree trappers? Are these papers understandable enough and well presented for Cree trappers?

5- Following participation meetings, does the MRN provide Crees with working maps showing planned silvicultural treatments and roads as well as the changes made to forest planning in response to harmonization requests?

6- Does the participation report describe the Cree participation process in a complete and detailed manner? According to the JWG, do the minutes of the meeting reflect the opinions and concerns expressed by stakeholders involved in the participation process?

7- Has the MRN supported or proposed the development of tools and the holding of activities to find common ground or obtain informed consent (visual tools, field visit, etc.)?

8- Has the MRN planned measures for assessing and monitoring Cree satisfaction with their participation in forest management planning mechanisms?

Issue 7:

Increase the diversity of forest-based economic and social benefits to Cree communities
The Crees consent to the carrying out of commercial forestry operations on their ancestral lands, but would like to derive whatever benefits they can from those operations in terms of jobs, contracts, training and enhancement of the practice of Cree traditional activities. The JBACE would like to know the efforts made by holders of timber supply guarantees and the MRN to address this issue.

1- What are the strategies developed by the major holders of timber supply guarantees to increase socioeconomic benefits from forest activities within the Cree communities? Do they have policies in this regard?

2- What are the strategies developed by the MRN to increase socioeconomic benefits from forest activities (e.g. non-commercial silvicultural treatments) within the Cree communities? Does it have a policy in this regard? What are the targets for 2013-2014 in terms of contract, jobs, etc.? Have medium and long-term targets been set?

3- Are the efforts made by the major holders of timber supply guarantees deemed satisfactory? Between 2008 and 2012, what were the results of economic partnership agreements, contracts, jobs, labour training programs (in forestry) and any other initiatives aimed at increasing economic benefits for the Cree communities? What are the targets for 2013-2014? Have medium and long-term targets been set?

4- Do holders of timber supply guarantees try and diversify opportunities for hiring Crees (e.g. participation of Cree tallymen in the management and control of beaver populations along forest roads, participation of Cree families in knowledge acquisition initiatives on traplines, etc.)? If so, can you give some recent example? What are the targets for 2013-2014?

5- For 2013-2014, do holders of timber supply guarantees plan on taking measures on forest land to help improve traditional Cree activities (e.g. maintenance of roads leading to trapping camps, construction of a boat ramp, etc.)? If so, can you describe these measures?

Appendix F

Questionnaire

Questionnaire – HTSG
Forest planning 2013-2014

Issue 7:

Increase the diversity of forest-based economic and social benefits to Cree communities
The Crees consent to the carrying out of commercial forestry operations on their ancestral lands, but would like to derive whatever benefits they can from those operations in terms of jobs, contracts, training and enhancement of the practice of Cree traditional activities. The JBACE would like to know the efforts made by holders of timber supply guarantees to address this issue

1- What are the strategies developed by your company to increase the socioeconomic benefits from your forest activities within Cree communities? Do you have a policy in this regard?

2- If applicable, what were your company's results for 2008-2012 (breakdown by year and by FMU, if available) in terms of:

- the number and type of economic partnership agreements entered into with Cree communities;
- the number and type of contracts awarded to Crees by sector of activity;[3]
- the number and type of jobs that went to Crees by sector of activity;
- the proportion of jobs held by Crees by sector of activity;
- training programs for Cree workers supported or delivered by your company and any other initiative that contributes to training Cree workers in forestry;
- any other initiative aimed at increasing socioeconomic benefits within Cree communities.

What are the targets for 2013-2014? Have medium and long-term targets been set?

[3] Sectors of activity: mill, forestry operations, hauling, forest roads, silvicultural work, forest planning

3- Has your company tried to diversify opportunities for hiring Crees (e.g. participation of Cree tallymen in the management and control of beaver populations along forest roads, participation of Cree families in knowledge acquisition initiatives on traplines, etc.)? If so, can you give some recent examples? What are the targets for 2013-2014?

4- For 2013-2014, does your company plan on taking measures on forest land to help improve traditional Cree activities (e.g. maintenance of roads leading to trapping camps, construction of a boat ramp, etc.)? If so, can you describe these measures?

Appendix G

Overview of Consultations Held with Holders of Timber Supply Guarantees

Overview of Consultations Held with Holders of Timber Supply Guarantees (HTSG) in February 2013

HTSG	Strategies developed to increase socioeconomic benefits in Cree communities	Socioeconomic benefits derived for the period 2008-2012				Socioeconomic benefits targeted for 2013-2014	
		Economic partnership agreements and contracts	Jobs	Training	Other initiatives		
Resolute Forest Products (Comtois)	RFP's Aboriginal Peoples Policy Below is an extract: " Resolute is committed to support and maintain constructive relationships with Aboriginal peoples in our operating regions in Canada and to explore employment and business development opportunities of mutual benefit. Resolute will encourage the hiring of Aboriginal employees by the Company and its contractors whenever possible to build a workforce that reflects the diversity of the communities in which we operate. Resolute will support training to help develop appropriate skills among Aboriginal workers to qualify for local job opportunities. Resolute will pursue mutually beneficial commercial relationships, partnerships and contracting opportunities with local Aboriginal businesses"	Purchase of timber • In 2009 and 2010, agreement to purchase timber from Waswanipi Category I lands. Timber harvesting operations were carried out by Services forestiers Wasachimo inc.	Road construction and maintenance • 1 truck driver from 2008 to 2012. • 1 excavator operator in 2009.	The company advised in collaboration with the Chibougamau school board in 2010 and 2011 to train heavy machinery operators in the construction of forest roads. The training was given in Lebel-sur-Quévillon.	In 2008 and 2011 delivery of Firewood to Cree tallymen. The company says it generally grants Cree tallymen's harmonization requests when the areas concerned by the request is located in its operating areas.	Economic partnerships and contracts	Resolute Forest Products says it is in talks with Cree authorities to explore economic partnership opportunities.
						Jobs and training	The company is pleased to hire Crees to meet its labour requirements in the following sectors of activity: Forestry operations: • Bulldozer excavator and forth pod harvester operators • Truck driver Sawmill: • Electrician, electrical technician, stationary equipment mechanic, welder
						Diversification of job opportunities	Resolute Forest Products gives priority to hiring Cree tallymen to control beaver damage along forest roads.
						Contribution to the enhancement of traditional activities	The company says it generally grants Cree tallymen's harmonization requests when the areas concerned by the request is near the company's operating areas and that it will continue to do so in 2013-2014.
Chantiers Chibougamau Ltee	Company policy regarding First Nations: None Main strategies: The company says it is always open to awarding contracts to Cree companies provided they are competitive. The company is also willing to devote time and human resources to provide more supervision and coaching to Cree entrepreneurs.	Purchase of timber • Annual agreements to purchase softwood PSPL through Waswanipi Mishuk Corporation. Timber harvesting • 1 contract in 2008 (6.3% of the harvest) • 1 contract in 2009 (% unknown) Scarification • 1 contract in 2009 (134 ha) • 1 contract in 2009 (225 ha) • 1 contract in 2012 (250 ha) Planting • 1 contract in 2008 (159 525 seedlings) • 2 contracts in 2009 (256 999 seedlings)	Road construction and maintenance • 2 grader operators (from 2008 to 2010) • 1 grader operator in 2011 and 2012 • 1 Volvo B46 operator in 2009 Timber harvesting • 1 team in 2008 • 1 team in 2009 Planting • 11 employees in 2010 • 1 employee in 2011 • 7 employees in 2012	On-the-job mill training in Chibougamau. According to the company, the program did not yield positive results.	The harmonization requests received from Cree tallymen often concern access to hauling ramps. The company says it has implemented almost all of the harmonization measures related to these requests. The company gave the following examples of accommodation: opening of roads and snow clearing on parking lots providing access to hauling ramps; opening of roads in spring for Goose Break.	Economic partnerships and contracts	Chantiers Chibougamau expects to maintain its timber purchasing partnership with Waswanipi Mishuk.
						Jobs and training	-
						Diversification of job opportunities	-
						Contribution to the enhancement of traditional activities	The company says it generally grants Cree tallymen's harmonization requests when the areas concerned by the requests are located near the company's operating areas and that it will continue to do so in 2013-2014.

Overview of Consultations Held with Holders of Timber Supply Guarantees (HTSG) in February 2013

Barette-Chapais Ltee	Consultation leading First Nations In preparation Main strategies • Getting FSC certification which requires the applicant to participate in and/or support the efforts of the affected Aboriginal communities to develop the financial, technical and logistical capacity to enable them to participate in all aspects of forest management and development • Support for payment in processing requests under the Cree Traditional Activities Enhancement Program • Occasional assistance for specific purposes, opening roads, supplying firewood or construction lumber, participating in cultural events and organizing retreats for Crees	Purchase of timber • From 2008 to 2012, annual agreements to purchase softwood (SPU) through Waswanipi Mistuk Corporation totaling 345 774 m³ over 5 years Road construction contracts • 2 contracts in 2012 to owners of gravel pits (4 140 m³) Reforestation contracts • 1 contract to Gestion Alpar Enterprise in 2008 (15 ha) • 1 contract to Oujé-Bougoumou Enterprise in 2011 (54 ha) Planting • 1 contract to Gestion Alpar Enterprise in 2009 (2 606 599 seedlings) • 1 contract to Gestion Alpar Enterprise in 2010 (2 055 180 seedlings) • 3 contracts to Oujé-Bougoumou Enterprise from 2010 to 2012 (4 336 790 seedlings) • 1 contract to Mamuitun Forestry in 2012 (274 107 seedlings)	-	In 2012, Barette-Chapais attempted to set up a training program in electrical instrumentation with the Cree School Board, however not enough people enrolled	Barette-Chapais regularly participates in various cultural events with the Cree community of Oujé-Bougoumou, golf and fishing tournaments, opening of the Aboriginal museum in Oujé-Bougoumou, etc. The Cree-Quebec Forestry Board invited the company to one of its meetings to give a presentation on its experience and outlook as a forest company operating in the territory covered by the AAQQ.	Economic partnerships and contracts	Barette-Chapais expects to maintain its timber purchasing partnership with Waswanipi Mistuk Corporation for a volume of around 50 000 m³/year
						Jobs and training	Barette-Chapais first has to determine its labour requirements. The company says that a portion of these requirements could be filled by Crees. The company is in the process of drafting a hiring policy that could include posting job openings in Nemaska and Cree communities
						Diversification of job opportunities	-
						Contribution to the enhancement of traditional activities	Examples of harmonization measures agreed upon with Cree trappers for 2013-2014 to contribute to the enhancement of traditional activities • Construction of an access road and cruise line for vans (Lac Dogne) • Construction of a gravel road and parking lot • Construction of a gravel road into the future campground
Materiaux Blanchet Inc.	Consultation leading First Nations None Main strategies The company, through subcontractors, gives priority to hiring Crees and want to work in the non-commercial activities in the treaty. It also invites Cree entrepreneurs to bid on its road construction projects	None	None	None	Agreements with Cree trappers to control beaver damage along forest roads	Economic partnerships and contracts	-
						Jobs and training	-
						Diversification of job opportunities	Materiaux Blanchet expects to renew the agreements with Cree trappers to control beaver damage along forest roads
						Contribution to the enhancement of traditional activities	The company says that harmonization requests from Cree trappers are handled on a case-by-case basis and that it will grant these requests where possible
Tembec (La Sarre)	Consultation policy leading First Nations	Tembec La Sarre doesn't carry out any operations in Cree territory, from 2008 to 2012				Economic partnerships and contracts	-
Tembec (Senneterre)	Yes, in effect since 1999. Below is an extract " To develop business relations with First Nations communities to continually meet the Company's quality, service and pricing standards by building partnerships based on trust, mutual benefit and understanding of each party's expectations " (Translation) Main strategies Contracts related to road construction and timber harvesting, loading and hauling are awarded to the Cree-owned companies Wawanosi Mistuk Corporation (La Sarre) and Services forestiers Waswanipi (Senneterre). Tembec requires that companies receiving contracts give preference to hiring Crees. Tembec also gives preference to Crees for mill jobs, but the fact that the mills are located far away from Waswanipi (La Sarre) and Waswanipi (Senneterre) is an obstacle	Tembec Senneterre carried out operations in Cree territory (Km-69) in 2008 and 2012. All of the following contracts were awarded to the Cree-owned company Services forestiers Waswanipi Timber harvesting operations in 2012 • 1 contract in 2008 (40 000 m³) • 1 contract in 2012 (100 000 m³) Road construction • 1 contract in 2008 (9 km) • 1 contract in 2012 (14 km)	-	Tembec Senneterre said that it attempted to organize training on road construction and timber harvesting in 2012	Tembec Senneterre mentioned that it occasionally supplies firewood to families in Waswanipi. Examples of accommodations show clearance on roads in winter and grading roads in summer to facilitate access to Cree trapping camps.	Jobs and training	Tembec La Sarre will remain sensitive to the Crees' training needs and offer its collaboration where needed.
						Diversification of job opportunities	Tembec La Sarre and Tembec Senneterre will give priority to hiring Cree trappers for the control of beaver damage along forest roads
						Contribution to the enhancement of traditional activities	As in the past, Tembec Senneterre will consider implementing the harmonization measures requested by Crees trappers if the areas concerned are near the company's operating areas. Tembec Senneterre provided